

Issue: Consolidation of Grievances for a Single Hearing; Ruling Date: March 18, 2014; Ruling No. 2014-3832, 2014-3833; Agency: Department of Social Services; Outcome: Consolidation Granted.



*COMMONWEALTH of VIRGINIA*  
*Department of Human Resource Management*  
*Office of Employment Dispute Resolution*

**CONSOLIDATION RULING**

In the matter of the Virginia Department of Social Services  
Ruling Numbers 2014-3832, 2014-3833  
March 18, 2014

This ruling addresses the consolidation of the two grievances filed with the Virginia Department of Social Services (the agency) on or about October 8 and November 4, 2013.<sup>1</sup> For the reasons discussed below, the Office of Employment Dispute Resolution (EDR) finds that consolidation of these grievances into a single hearing is appropriate and practicable.

FACTS

The two grievances at issue are 1) an October 8, 2013<sup>2</sup> grievance regarding a Group II Written Notice issued to the grievant on September 27, 2013, and 2) a November 4, 2013 grievance challenging a second Group II Written Notice issued on October 15. The agency has requested consolidation of these matters.

DISCUSSION

Approval by EDR in the form of a compliance ruling is required before two or more grievances may be consolidated in a single hearing. Moreover, EDR may consolidate grievances for hearing without a request from either party.<sup>3</sup> EDR strongly favors consolidation and will consolidate grievances when they involve the same parties, legal issues, policies, and/or factual background, unless there is a persuasive reason to process the grievances individually.<sup>4</sup>

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<sup>1</sup> The grievant has filed several other grievances with the agency, two of which also qualify for hearing. *See* EDR Ruling No. 2014-3823, 2014-3824. In this instance, we deem it impracticable to consolidate all four grievances for a single hearing. While all four matters may encompass an interrelated sequence of events, EDR has determined that a single hearing addressing all four matters would be unduly burdensome. The two grievances addressed herein both relate to disciplinary actions issued to the grievant, whereas the other two matters relate to the grievant's performance evaluation and ultimate termination based upon unsatisfactory performance, not an accumulation of discipline.

<sup>2</sup> While the grievant appears to have dated her grievance October 9, 2013, the agency noted it as having been received on October 8, 2013. This ruling will subsequently refer to the grievance as the "October 8, 2013" grievance.

<sup>3</sup> *Grievance Procedure Manual* § 8.5.

<sup>4</sup> *See id.*

EDR finds that consolidation of the October 8, 2013 grievance and the November 4, 2013 grievance is appropriate. These grievances involve the same grievant and could share common themes, claims, and witnesses. The grievances both relate to disciplinary actions issued to the grievant. Further, we find that consolidation is not impracticable in this instance. Therefore, the grievant's October 8, 2013 and November 4, 2013 grievances are consolidated for a single hearing. A hearing officer will be appointed in a forthcoming letter.

EDR's rulings on compliance are final and nonappealable.<sup>5</sup>



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Director  
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<sup>5</sup> See Va. Code §§ 2.2-1202.1(5), 2.2-3003(G).